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EXAMINER
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PATEL, HARESH N

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 02/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/736,953

Applicant(s)

NATARAJAN ET AL.

Examiner

Haresh Patel

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 December 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-12 are presented for examination.

#### ***Specification***

2. The disclosure is objected. Some of the informalities are:
  - i. The “DETAILED DESCRIPTION OF THE INVENTION” section contains significant amount of prior art contents. All the known prior art contents from the “DETAILED DESCRIPTION OF THE INVENTION” section needs to be moved into the “Description of Related Art” sub-section of the “BACKGROUND OF THE INVENTION” section.
  - ii. Unless the invention is created from scratch, applicant needs to provide all the prior arts that have led to the invention, i.e., existing patents and publications related to the claimed terms. Applicant needs to submit the IDS containing IOR and SSL related information, as mentioned in the background of the information. In response to this requirement, please provide the title, citation and copy of each publication that is a source used for the description of the prior art in the disclosure. For each publication, please provide a concise explanation of that publication’s contribution to the description of the prior art.  
  
Appropriate correction is required.
3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: "Method and system to dynamically select a reliable protocol from a remote object handle supported protocols to communicate with the object".

***Drawings***

4. Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 2, 4, 7 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The terms "a configuration predefined and associated with" and "determined to qualify" in claim 2 are relative terms, which render the claim indefinite.

The terms "one or more properties", "property has an enabled and disabled state", "referencing a property", "the referenced property when the property is in the enabled state" in claim 4 are relative terms, which render the claim indefinite.

The term "a configuration predefined" in claim 8 is a relative term, which render the claim indefinite.

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Claim 2 recites the limitation “the referenced configuration”. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation “the referenced property”. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation “the prescribed manner”. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Goertzel et al. 6,208,952 (Hereinafter Goertzel).

8. As per claim 1, Goertzel teaches the following:

a method for selecting one protocol from among a plurality of protocols to establish communication between two computers, where the first computer has an object and the second computer has an object-handle associated with the, object, and where the object-handle identifies the plurality of protocols, the method comprising the steps of:

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generating bids for one or more protocols among the plurality of protocols (e.g., the method selects the highest priority common protocol between the client RPCSS process and the server RPCSS process. The priority of the protocols may be indicated in the registry by the ordering of the installed protocols, col., 7, line 35 – col., 8, line 33) identified by the object-handle (e.g., RPC handle, col., 7, line 35 – col., 8, line 33);

arranging the bids in a sequence corresponding to the relative preference among the protocols (e.g., the priority of the protocols may be indicated in the registry by the ordering of the installed protocols, col., 7, line 35 – col., 8, line 33), and

parsing the arranged bids in a prescribed manner to thereby select a protocol that is the highest preference according to the sequence and is effective in establishing the communication (e.g., the method selects the highest priority common protocol between the client RPCSS process and the server RPCSS process, the use of a single, or at least a limited number of protocols, tends to reduce the amount of system resources allocated for communications. In addition, the highest priority protocol can be one that is particularly well adapted for the particular network configuration of the client and server computer systems, col., 7, line 35 – col., 8, line 33).

9. As per claim 2, Goertzel teaches the following:

referencing a configuration predefined and associated with the second computer (e.g., the priority of the protocols may be indicated in the registry by the ordering of the installed protocols, col., 7, line 35 – col., 8, line 33),

for each protocol among the plurality of protocols, determining whether the protocol

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qualifies according to the referenced configuration; and when the protocol is determined to qualify, setting the bid equal to a value determined according to the referenced configuration (e.g., In step 502, the method determines whether the server process identified by the passed Oxid has already registered the selected protocol by checking the Oxid/Protocol table. If the server process has already registered the selected protocol, then the method returns the server remote string binding for the selected protocol to the client computer system, else the method continues at step 503. In step 503, the method gets the RPC handle for the passed Oxid. The RPC handle identifies the server process to the RPC component. In step 504, the method invokes the method UseProtSeq of the IORCallback interface passing the RPC handle of the server process and the selected protocol. The invoked method returns the server string binding. In step 505, the method registers the Oxid as using the selected protocol and server remote string binding in the Oxid/Protocol table and the method then returns, col., 7, line 35 – col., 8, line 33).

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goertzel et al. in view of Underwood 6,601,233.

12. As per claims 3-5, Goertzel discloses the invention substantially as claimed including:

the configuration includes a default value associated with a protocol, and setting the bid for the protocol equal to the default value on the condition that no other value for the bid is determined (e.g., the method selects the highest priority common protocol between the client RPCSS process and the server RPCSS process, the use of a single, or at least a limited number of protocols, tends to reduce the amount of system resources allocated for communications. In addition, the highest priority protocol can be one that is particularly well adapted for the particular network configuration of the client and server computer systems, col., 7, line 35 – col., 8, line 33).

Goertzel does not specifically mention about a default protocol settings and the detailed protocol related settings. However, the concept of protocol selection based on protocol related criteria is clearly disclosed by Goertzel and it is also well known in the prior art, for example, Underwood, discloses the following:

the configuration includes a property relating to a protocol , wherein each property has an enabled and disabled state, and wherein each property is associated with a bid value, referencing a property; and setting the bid equal to the bid value associated with the referenced property when the property is in the enabled state, the one or more properties are set to the enabled or the disabled state by a user operating the second computer (e.g., Netscape browser provided configuration windows for setting protocol (SSL) levels using dialog windows having checkboxes to enable or disable protocol properties and to use the default settings until user selection is done, col., 28, line 26 – col., 72, line 40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Goertzel and Underwood because Underwood's use of



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graphical user interface windows would facilitate setting the protocol property selections. The default protocol property values and user selection of protocol details would allow one computer to communicate with another computer using the most reliable protocol from the specified object supported protocols, as suggested by Underwood.

13. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goertzel et al. in view of "Official Notice".

14. As per claims 6 and 7, Goertzel discloses the invention substantially as claimed including:

the arranging step is determined by the value of the bids (e.g., the method selects the highest priority common protocol between the client RPCSS process and the server RPCSS process, the use of a single, or at least a limited number of protocols, tends to reduce the amount of system resources allocated for communications. In addition, the highest priority protocol can be one that is particularly well adapted for the particular network configuration of the client and server computer systems, col., 7, line 35 – col., 8, line 33).

Goertzel does not specifically mention about lowest value bid is the most preferred.

However, the concept of protocol selection based on protocol related criteria are clearly disclosed by Goertzel.

*What about claim 7, parsing in ascending order?*

"Official Notice" is taken that both the concept and advantages of providing setting the orders of bidding such that the lowest value bid is the most preferred, the highest value bid is the least preferred and parsing in ascending order is well known and expected in the art.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to include desired bidding order with the teachings of Goertzel in order to facilitate because it would provide a selection of the protocol based on its bid value and the order in which the protocol is listed. The protocol having bid value lesser than other protocols will be selected first. If two protocols will have same bid values than the protocol having the ascending bid value will be selected first.

15. Claims 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goertzel et al. in view of Jerger et al. 6,345,361 (Hereinafter Jerger).

16. As per claims 8-12, Goertzel discloses the invention substantially as claimed including: referencing a configuration predefined and associated with the second computer; and setting the bid equal to a value according to the referenced configuration (e.g., In step 502, the method determines whether the server process identified by the passed Oxid has already registered the selected protocol by checking the Oxid/Protocol table. If the server process has already registered the selected protocol, then the method returns the server remote string binding for the selected protocol to the client computer system, else the method continues at step 503. In step 503, the method gets the RPC handle for the passed Oxid. The RPC handle identifies the server process to the RPC component. In step 504, the method invokes the method UseProtSeq of the IORCallback interface passing the RPC handle of the server process and the selected protocol. The invoked method returns the server string binding. In step 505, the method registers the Oxid as using the selected protocol and server remote string binding in the Oxid/Protocol table and the method then returns, col., 7, line 35 – col., 8, line 33).

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Goertzel does not specifically mention about protocol settings selected from plurality of ranges and the detailed protocol related settings. However, the concept of protocol selection based on protocol related criteria is clearly disclosed by Goertzel and it is also well known in the prior art, for example, Jerger, discloses the following:

plurality of prescribed ranges for bid value, a priority list, adjusting the value of the bids falling within a single range according to the priority list specified in the referenced configuration, one or more conditions associated with the plurality of prescribed ranges such that the bids falling within each of the plurality ranges are parsed when the associated conditions are satisfied, (e.g., The system security policy of the present invention is configured in progressively more "fine-grained levels" of configuration. As the configuration moves "down" the levels from the configuration of security zones to configuring primitives that define the parameters of a permission, the method and system of the present invention permit progressively "finer grain" control of just what the active content will be permitted to do on the user's system, col., 11, lines 8 – 12),

the ranges include an exclusivity range with an associated condition that if there is at least one bid within the exclusivity range (e.g., protected permissions settings, col., 10, line 3 – col., 28, line 25), the bids falling within ranges having lower preference than exclusivity range are not parsed (e.g., protected permissions settings, col., 10, line 3 – col., 28, line 25), the ranges include a critical range with an associated condition such that the bids falling within the critical range are parsed before the bids in any other range are parsed (e.g., the settings that are not modifiable by the user, col., 10, line 3 – col., 28, line 25).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Goetzel and Jerger because Jerger's use of graphical user interface windows would facilitate setting the protocol property selections. The user selection of protocol details from several associated ranges would allow one computer to communicate with another computer using the most reliable protocol from the specified supported protocols, as suggested by Jerger.

### *Conclusion*

17. Examiner has found numerous arts related to the disclosed subject matter. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

See Form PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (703) 605-5234. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee, can be reached at (703) 305-8498.

The appropriate fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Haresh Patel

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February 21, 2004

A handwritten signature in black ink, appearing to read 'JF', is positioned to the left of the printed name.

JOHN FOLLANSBEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100